

The Little Traverse Bay Bands of Odawa Indians
Tribal Council Meeting
July 25, 2004
Tribal Court Room 7500 Odawa Circle
Smudging 9:15 a.m.
9:30 a.m.

Executive Session: no

Call to Order: Meeting was called to order at 9:50 a.m.

Council Present: Tribal Chairman Frank Ettawageshik, Vice-Chairperson Beatrice A. Law, Secretary Dexter McNamara, Treasurer Alice Yellowbank, Councilor Rita Shananaquet, Councilor Fred Harrington, Jr., Councilor Regina Gasco Bentley

Legal Staff Present: James Bransky, General Counsel

Staff Present: Michele LaCount, Albert Colby, Jr., Doug Craven, Vince Cook, Barry Crowell, Angie Wooden, Theresa Boda, John Espinosa

Commissions, Boards, and Committees: Sherrie Patton, Rochelle Ettawageshik, Beverly Wemigwase, Margaret Gasco, Tim LaCroix

Guests: Brittany Bentley, Carol McFall, Marcia Sutton, Andrew Stich, Eleanor Barber, Alice Hughes, Winnay Wemigwase, Eleanor Andrews, Wesley Andrews, Laura Lonchar

Opening Ceremony: Frank Ettawageshik

Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to adopt the agenda of July 25, 2004, in honor of Marie Shananaquet Biidaabinokwe who walked on 6 days ago.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to approve the minutes of July 11, 2004 with corrections.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Treasurer's written report provided by Valerie Tweedie, C.F.O. for July 25, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Tribal Chairman created an Ad Hoc Committee consisting of the Tribal Chairman, Tribal Treasurer and the Tribal Administrator to work on the new Policies and Procedures for the Donations and Contributions Policy.

Motion made by Vice-Chairperson Beatrice A. Law and supported by Regina Gasco Bentley to approve the liquidation of the National City Bank investment accounts and transfer the proceeds to Merrill Lynch investments when deemed appropriate by the Treasurer and Chief Financial Officer.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to conduct a work session on September 25, 2004 to present the summary of the phase II activity for Victories II.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Treasurer Alice Yellowbank to accept the Tribal Chairman's verbal and written report for July 25, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Councilor Fred Harrington, Jr., to adopt resolution #072504-01, honoring the many years of service of Little Traverse Bay Bands of Odawa Indians Tribal member Wesley L. Andrews as our Native American Graves Protection and Repatriation Act (NAGPRA) Representative.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to approve Burial request #A0079 for \$5,000.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:10 a.m. recess called

11:24 a.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to direct the Tribal Chairman to remove the barriers from around the sacred section on Mother Earth in the center of the Administration building.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Legal Department verbal report as presented by James Bransky.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

11:45 a.m. Public Comment: Andrew Stich, Carol McFall

11:47 a.m. Public Comment closed

12:17 p.m. Lunch recess called

1:56 p.m. meeting reconvened

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to accept the Gaming Administration's verbal and written report as presented by Sherri Patton.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Indian Child Welfare Commission's quarterly report as presented by Rochelle Ettawageshik Chairperson.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to accept the Trust Fund Board's quarterly report as presented by Margaret Gasco, for July 25, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the Little Traverse Bay Bands of Odawa Indians Housing Commission's quarterly report as submitted in written form for July 25, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to direct the Housing Department to do a feasibility study on the 80 acres on Murray Road for low-income housing and to bring back to Tribal Council by no later than September 26, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to direct the Legal Department to bring legal action against Brian Matrious in Little Traverse Bay Bands of Odawa Indians Tribal Court to

recover the funds paid by Little Traverse Bay Bands of Odawa Indians to Mr. Matrious under the contract dated March 22, 2004 for failure to perform the services agreed to in the contract for painting art work in the Tribal Administration building.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Treasurer Alice Yellowbank to authorize the Tribal Chairman to sign the Subcontract for Information & Education program as presented. The balance of the 2004 program will be administered through Chippewa Ottawa Resource Authority (C.O.R.A.), which will receive \$5,500 in funding to come from the Little Traverse Bay Bands of Odawa Indians Consent Decree Fund.

Vote 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to adopt the new Gaming Vendor Fee Schedule presented by the Gaming Regulatory Commission with an exemption for Tribal Members.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

3:05 p.m. recess called

3:19 p.m. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Vice-Chairperson Beatrice A. Law to adopt Resolution #072504-02 ITC Application Community Service Block Grant for Emergency Assistance Program.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to adopt Resolution #072504-03 Low Income Energy Assistance Program.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes Regina Gasco Bentley-yes

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr. to adopt Resolution #072504-04 appointing Winnay Wemigwase as the representative for Native American Graves Protection Repatriation Act (N.A.G.P.R.A.).

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Councilor Rita Shananaquet to accept the resignation of Wesley L. Andrews from the position of Native American Graves Protection Repatriation Act (N.A.G.P.R.A.) representative, with great regret.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #072504-05 Request for funding from the Great Lakes Fisheries Trust Little Traverse Bay Bands of Odawa Indians Natural Resource Department Fiscal Year 2005 Sturgeon Research Grant.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to adopt Resolution #072504-06 National Congress of American Indians delegate assignment.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

4:00 p.m. Public Comment opened

4:00 p.m. Public Comment Closed

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to enact Waganakising Odawak Statute Conservation and Cultural Preservation Easement Act, as presented and marked up as of this date.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes

Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to enact Waganakising Odawak Statute Commercial Fishing Vessel Safety Regulations Statute as presented and marked up as of this date.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-yes, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Vice-Chairperson Beatrice A. Law to enact Waganakising Odawak Statute, Act Prohibiting the Patenting of Organisms as presented and marked up as of this date.

Roll Call: Tribal Chairman Frank Ettawageshik-yes, Vice-Chairperson Beatrice A. Law-yes, Treasurer Alice Yellowbank-yes, Secretary Dexter McNamara-yes, Councilor Rita Shananaquet-no, Councilor Fred Harrington, Jr.-yes, Regina Gasco Bentley-yes
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Secretary Dexter McNamara to place Waganakising Odawak Statute Tribal Elections and Election Board on the Legislative Agenda.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Fred Harrington, Jr., and supported by Secretary Dexter McNamara to place Waganakising Odawak Statute, Marriage Statute, sponsored by Frank Ettawageshik on the Legislative Agenda.
Vote: 5 Yes, 2 No (Councilor Rita Shananaquet, Vice-Chairperson Beatrice A. Law), 0 Absent, 0 Abstained
Motion Carried

Motion made by Treasurer Alice Yellowbank and supported by Vice-Chairperson Beatrice A. Law to place the Child Protection Statute as sponsored by the Indian Child Welfare Commission on the Legislative Agenda.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to accept the resignation of Julie Shananaquet from the Election Board effective July 7, 2004, with thanks for her service.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

Motion made by Councilor Rita Shananaquet and supported by Regina Gasco Bentley to declare a vacant seat on the Election Board to be posted immediately.
Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained
Motion Carried

5:09 p.m. recess called

5:26 P.M. meeting reconvened

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to accept the Tribal Administrator verbal and written report for July 25, 2004.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

Motion made by Secretary Dexter McNamara and supported by Treasurer Alice Yellowbank to approve the pow-wow grounds improvement project contract modification for Advantage Electric to address the additional electrical outlets in the amount not to exceed \$900.00 and authorize the Tribal Chairman or his designee to sign.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Secretary Dexter McNamara to approve \$2,000 to support expenses associated with the implementation of the Governor's Interstate Indian Conference, Michigan 2004 planned activities scheduled for Wednesday, August 11, 2004. Funding to come from cultural immersion line item.

Vote: 6 Yes, 1 No (Councilor Rita Shananaquet), 0 Absent, 0 Abstained

Motion Carried

Motion made by Vice-Chairperson Beatrice A. Law and supported by Councilor Fred Harrington, Jr., to approve \$500.00 to support the mailing for selecting students and chaperones for the 61st National Congress for American Indians Annual meeting in Ft. Lauderdale, Florida. Furthermore, establish a working group including Tribal Council Executive Assistant, K-12 Student Coordinator and the Tribal Administrator to select the attending Tribal representatives. Funding to come from the Tribal Council Enterprise line item.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

6:32 p.m. Motion made by Councilor Fred Harrington, Jr., and supported by Regina Gasco Bentley to adjourn.

Vote: 7 Yes, 0 No, 0 Absent, 0 Abstained

Motion Carried

These Minutes have been read and approved as written:

Approved:

Dexter McNamara, Tribal Secretary

Date